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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:

MICHAEL EZZO,

Debtor.

Case No. 06-62288

Chapter 11

APPLICATION FOR JOINT ADMINISTRATION

Michael Ezzo, by his attorneys, Hodgson Russ LLP, Richard L. Weisz, Esq. of Counsel, seeks joint administration of his Chapter 11 case, and alleges:

1. Michael Ezzo filed for voluntary relief under Chapter 11 of the Bankruptcy Code on September 20, 2006 under Case No. 06-62288.
2. Carmella's Cafe, Inc. filed for voluntary relief under Chapter 11 of the Bankruptcy Code on September 20, 2006 under Case No. 06-62286.
3. Michael Ezzo owns 99% of the shares of Carmella's Cafe, Inc. and is its President.
4. The filing was precipitated by a Notice of Intent by the New York State Department of Taxation and Finance to collect unpaid sales tax. This obligation in excess of \$400,000.00 is due from Carmella's Cafe, Inc. but Michael Ezzo is also personally liable as the responsible corporate officer.
5. Furthermore, Carmella's Cafe, Inc. operates in a building owned by Michael Ezzo which is subject to a foreclosure action.
6. Michael Ezzo has been seeking to sell the restaurant but cannot do so without the ability to resolve these claims and other joint claims against himself and the restaurant.

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7. The largest creditors in Michael Ezzo's individual case are guaranteed debt of the corporation. The largest secured creditors on the property are also creditors of Carmella's Cafe, Inc.

8. It is respectfully submitted that any reorganization will require similar treatment of the joint debt which compromises most of the debt in this case.

9. Bankruptcy Rule 1015(b) allows this Court to order joint administration of a case involving a Debtor and an affiliate.

10. Pursuant to 11 U.S.C. §101(2), Michael Ezzo is an affiliate of Carmella's Cafe, Inc.

WHEREFORE, the Debtor, Michael Ezzo, seeks an Order of joint administration in these cases with the case of Carmella's Cafe, Inc., Case No. 06-82286, being designated the lead case for calendar purposes.

DATED: September 21, 2006

HODGSON RUSS LLP
Attorneys for Debtor

By: 

RICHARD L. WEISZ
677 Broadway, Suite 301
Albany, New York 12207
(518) 465-2333